

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Time Warner Cable for Declaratory)	
Ruling That Competitive Local Exchange Carriers)	
May Obtain Interconnection Under Section 251 Of)	WC Docket No. 06-55
the Communications Act of 1934, as amended, To)	
Provide Wholesale Telecommunications Services)	
to VoIP Providers)	
<hr/>)	

COMMENTS OF PINE TREE NETWORKS

Pine Tree Networks ("PTN") offers the following comments in *Petition of Time Warner Cable for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, WC 06-55, Petition for Declaratory Ruling filed March 1, 2006 ("Petition").

PTN provides a full range of telecommunications services in the State of Maine through operating subsidiaries which include The Pine Tree Telephone and Telegraph Company and Saco River Telegraph & Telephone Company, which are rural incumbent local exchange carriers (ILECs), and CRC Communications of Maine, Inc., which is a facilities based competitive local exchange carrier (CLEC) in Maine (as well as New Hampshire). PTN is in an increasingly common position, in today's competitive telecommunications environment, of operating many lines of business, some of which

may appear to be incompatible at times in this evolving and increasingly competitive environment.

Time Warner Cable (TWC) currently offers its Digital Phone service in areas where PTN operates as a CLEC and, no doubt, will seek to offer such services in PTN's ILEC territory. As such, TWC is a competitor of PTN in a number of respects. At the same time, PTN has contracted with TWC to be the underlying carrier that interconnects Digital Phone customers to the PSTN in areas where PTN operates facilities based service and TWC has no interconnection facilities. In these areas, CRC Communications of Maine, Inc., PTN's CLEC, provides the link between TWC's end user, the PSTN, and ultimately the ILEC network. This arrangement has allowed TWC to quickly bring a competitive alternative to areas where the alternative might not otherwise exist.

As a full-range telecommunications company which has been required to relate to TWC from differing perspectives, as a competitor and a contractor providing interconnection services, PTN is of the opinion that the method by which a competitor enters PTN's territory, or any ILEC territory for that matter, should not be an issue, so long as PTN, or any other ILEC, receives all appropriate compensation for allowing interconnection. PTN asserts no position on the legal and policy arguments concerning the interpretation of Sections 251(a) and (b) of the TelAct in this case. PTN's comments are for the purpose of stressing the practical and operational position that the underlying method of reaching an end user should not be determinative of network connections so long as network costs are appropriately assessed and recovered.

Whenever traffic is being carried on an incumbent carrier's network, the cost of carrying such traffic must be borne by someone. If it is the incumbent carrier's own customers calling within the local calling area, then the costs should be recovered through the incumbent carrier's basic rates. If it is traffic within the local calling area between a customer of the incumbent carrier and the customer of a competitive carrier, then the costs should be shared by the customers of each carrier. This is handled through reciprocal compensation arrangements between the carriers. So long as this compensation occurs, the incumbent carrier is kept whole. So long as the incumbent carrier is kept whole, the question of whether the owner of the facilities with whom the incumbent is exchanging traffic is the same entity as the provider of end user services should not be of material concern.

PTN understands there are other issues associated with this matter, including questions of whether the VoIP provider offering service to the end user is adequately upholding their obligations to support the Public Switched Telephone Network (PSTN) through payment of Universal Service Funds (USF), and ancillary social obligations placed on telephone carriers such as support for Telecommunications Relay Service for the Deaf and Hard of Hearing or support for Enhanced 9-1-1 service. PTN believes that these are important issues which must be addressed, but they are not part of this proceeding. TWC's Petition is simply focused on the question of whether there is a distinction in the TelAct between a competitive provider acting on its own to obtain interconnection to provide competitive service to its own end users and a facilities based

competitive provider teaming up with a VoIP provider to offer competitive service to an end user. While this petition may raise legal and policy questions to be resolved by the Commission, from the operational perspective of an ILEC, PTN believes that it is clear there is no practical difference in the types of offerings so long as all of the costs of using the PSTN are appropriately recovered from the parties utilizing the PSTN.

Therefore, Pine Tree Networks, including all of its affiliates, file the preceding comments in support of Time Warner Cable's request for a declaratory ruling.

Respectfully submitted,



Robert J. Souza, President
The Pine Tree Telephone & Telegraph
Company, Saco River Telegraph &
Telephone Company and CRC
Communications of Maine, Inc. d/b/a Pine
Tree Networks